

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

IJPEIJ et al.

Appln. No. 10/567,098

Filed: May 29, 2007

Confirmation No. 4833

Atty. Ref.: 4662-147

T.C. / Art Unit: 1796

Examiner: C.C. Lu

**FOR: PROCESS FOR THE PREPARATION OF METAL-ORGANIC COMPOUND  
COMPRISING AT LEAST ONE IMINE LIGAND**

\* \* \*

**STATEMENT OF THE SUBSTANCE OF THE INTERVIEW**

October 23, 2009

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants thank the Examiner for the courtesy of a telephone interview on Wednesday, October 21, 2009, the following is Applicant's statement of the substance of the interview as required by the Examiner. Applicants believe that no fee is required for filing this Statement. Nevertheless, Applicants authorize the fee (or any deficiency therein) to be charged to Deposit Account 14-1140 under Order No. 4662-147.

1. During the interview, the Examiner indicated that a terminal disclaimer over U.S. Patent 7,524,906 would be necessary for the Examiner to allow this Application. Without addressing the merits of any of the Examiner's argument, and solely for the purpose of expediting prosecution, Applicants have filed a terminal disclaimer over U.S. Patent 7,524,906.

2. The Examiner also indicated that all the pending claims of the Application would be allowable if an Examiner's Amendment were issued with text as listed below:

1. (previously presented) A process for the preparation of a metal-organic compound, comprising at least one

phosphinimine ligand, the process comprising contacting a HA adduct of a phosphinimine ligand compound according to formula 1 with a metal-organic reagent of formula 2 in the presence of at least 2 equivalents of a base, wherein HA represents an acid, of which H represents its proton and A its conjugate base,

with  $\text{Y}=\text{N}-\text{H}$  as formula 1,

and  $\text{M}^{\text{Y}}(\text{L}_1)_k(\text{L}_2)_l(\text{L}_3)_m(\text{L}_4)_n\text{X}$  as formula 2,

and wherein Y is defined by the formula :



wherein each  $\text{R}^{1j}$ , with  $j = 1-3$  is independently selected from the group consisting of a hydrogen atom, a halogen atom, a  $\text{C}_{1-8}$ alkoxy radical, a  $\text{C}_{6-10}$  aryl or aryloxy radical, an amido radical, or a  $\text{C}_{1-20}$  hydrocarbyl radical unsubstituted or substituted by a halogen atom, a  $\text{C}_{1-8}$  alkoxy radical, a  $\text{C}_{6-10}$  aryl or aryloxy radical, an amido radical, a silyl radical of the formula:



and a germanyl radical of the formula :



wherein  $R^{2i}$  is independently selected from the group consisting of hydrogen, a  $C_{1-8}$  alkyl or alkoxy radical,  $C_{6-10}$  aryl and aryloxy radicals, each substituent  $R^{1j}$  or  $R^{2j}$  may be linked with another  $R^1$  or  $R^2$  to form a ring system, and M represents a group 4 or group 5 metal ion  
V represents the valency of the metal ion, being 3, 4 or 5  
 $L_1$ ,  $L_2$ ,  $L_3$ , and  $L_4$  represent a ligand or a group 17 halogen atom on M and may be equal or different,  
 $k, l, m, n = 0, 1, 2, 3, 4$  with  $k+l+m+n+1=V$ , and  
X represents a group 17 halogen atom.

2. (original) A process according to claim 1, wherein the base is an organic base, an inorganic base or a metal-organic base.

3. (previously presented) A process according to claim 1, wherein the organic base is an amine or a phosphane.

4. (currently amended) A process according to claim 1, wherein the organic base is a dialkylamine, a trialkylamine, ~~amonoarylamine~~ a monoarylamine, a diarylamine or a triarylamine.

5. (previously presented) A process according to claim 1, wherein the base is triethylamine, pyridine, tripropylamine, tributylamine, 1, 4-diaza-bicyclo [2.2. 2] octane, pyrrolidine or piperidine.

6. (currently amended) A process according to claim 2, wherein the ~~inorganic~~ base is a fluoride, a hydroxide, a cyanide, an amide, a carbonate of Li, Na, K, Rb, Cs, or an ammonium salt ~~of~~ a group 2 metal salt of Mg, Ca, or Ba, an

alkali metal (Li, Na, K, Rb, Cs) phosphate, a phosphate ester, alkoxide or phenoxides of the phosphate ester, thallium hydroxide, alkylammonium hydroxides or fluorides, alkali metals, hydrides or carbonates of Li, Na, K, Rb, Cs or group 2 hydrides.

7. (original) A process according to claim 6, wherein the alkali metal is chosen from Li, Na, or K.

8. (Previously Presented) A process according to claim 1, wherein the metal-organic base is a group 1, 2, 12, 13 hydrocarbanion.

9. (original) A process according to claim 8, wherein the metal-organic base is an organomagnesium- or an organolithium compound.

10. (previously presented) A process according to claim 1, carried out in the presence of at least 3 respectively 4 equivalents of an organolithium- or an organomagnesium compound.

11. (previously presented) A process according to claim 1 wherein the reaction is carried out in an aprotic solvent.

12. (original) A process according to claim 11, wherein the solvent is the base.

13. (currently amended) ~~Process for the preparation of a polyolefin which comprises polymerizing an olefin monomer in the presence of a metal-organic compound made according to the process of claim 1, wherein the base is an olefin polymerisation compatible base, which metal-organic~~

~~compound is activated anywhere in, or before polymerisation equipment~~ Process for the preparation of a polyolefin comprising making a metal-organic compound according to the process of claim 1, wherein the base is an olefin polymerisation compatible base, which metal-organic compound is activated anywhere in, or before polymerisation equipment, and polymerizing an olefin monomer in the presence of the organic compound.

14. (original) Process according to claim 13, wherein the metal-organic compound is used without purification.

15. (previously presented) Process according to claim 13, wherein the metal-organic compound is formed in the polymerisation equipment.

16. (previously presented) Process according to claim 15, wherein the metal organic compound is made in the presence of between 5 and 10 equivalents of the phosphinimine ligand compound according to formula 1.

Applicants note that the claims listed above reflects the contents of an interview and represents a possible Examiner's Amendment. This paper (Interview Summary) is not an amendment.

3. Applicants indicated to the Examiner that an Examiner's Amendment with content as listed above have been approved by Applicants with appreciation for the Examiner's suggestions. Applicants further respectfully urge the Examiner to enter such an amendment as an Examiner's Amendment and to issue a Notice of Allowance now that Applicants and the Examiner have come to an agreement regarding the allowability of the pending claims.

The Examiner is invited to contact the undersigned if any further information is required to complete the record of the substance of the interview.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

*Eric Sinn*

Eric Sinn

Reg. No. 40,177

901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100